

STEVEN W. MYHRE
Acting United States Attorney
District of Nevada

LINDSY M. ROBERTS
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Email: lindsay.roberts@usdoj.gov

Attorneys for the United States.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE ESTATE OF)
STEPHEN THOMAS CARY, JR.,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA,)
Defendant.)

Case No. 2:16-cv-00067-JAD-GWF

STIPULATION TO EXTEND
SCHEDULING ORDER DEADLINES
(Fifth Request)

Pursuant to Local Rules 6-1, 26-4, and Fed. R. Civ. P. 6(b), the parties stipulate, subject to this Court's approval, that the deadlines in the approved discovery schedule be extended as set forth below. The parties assert that good cause exists for the requested extension.

1. Status Report. Discovery is currently set to close on **December 15, 2017**. This request is made more than 21 days prior to that cutoff date solely for the purpose of extending the deadline to conduct depositions while the parties are actively engaged in settlement negotiations. The parties assert that good cause exists to extend the deadline as set forth in Paragraph 4. Additionally, should this stipulation be approved by the Court, it will facilitate and increase the possibility of resolution without the parties having to balance upcoming deadlines. The parties do not anticipate seeking any further extension of the discovery period should the Court grant this stipulation.

1 **2. Status/Discovery Completed.** The parties have completed the following
2 discovery:

- 3 • Initial and supplemental disclosures have been made pursuant to Fed. R. Civ. P.
- 4 26(a)(1)(C).
- 5 • The parties have exchanged written discovery.
- 6 • The parties have exchanged expert witness disclosures.
- 7 • Depositions of fact witnesses.

8 **3. Discovery remaining.** The only outstanding discovery is depositions of expert
9 witnesses and potentially Plaintiff's treating physicians and health care providers, all of whom
10 are/were employed by Defendant.

11 **4. Reasons for extension.** The parties request this extension to provide them with
12 the time to facilitate potential resolution of the matter. The parties are actively engaged in
13 settlement negotiations and both parties are hopeful that a resolution can be reached in the near
14 future. The parties continue to negotiate in good faith and request this extension to avoid
15 potentially costly expert depositions.

16 **5. Revised discovery schedule.** The parties stipulate and agree to a **90-day**
17 extension of the discovery deadline. The parties agree to the following revisions to the
18 discovery plan and ask that the Court adopt it as the revised scheduling order in this case.

19 **A. Depositions:** The parties agree and respectfully request that the discovery
20 cutoff date be extended from **December 15, 2017 to March 15, 2018**, for the limited purpose of
21 completing depositions.

22 **B. Dispositive Motions:** The parties request that the Court extend the
23 deadline to file dispositive motions, if any, to **April 16, 2018¹**, which is 30 days after the
24 proposed discovery cutoff.

25
26
27
28

¹ Deadlines falling on a Saturday, Sunday or legal holiday have been rolled to the next day that is not a
Saturday, Sunday, or legal holiday pursuant to Fed. R. Civ. P. 6(a)(1)(C).

1 **C. Pretrial Order:** The parties request that the Court extend the deadline to
2 file the Pretrial Order to **May 16, 2018**, which is 30 days after the deadline for filing dispositive
3 motions. However, if any dispositive motions are filed, then the Pretrial Order shall be due 30
4 days after decisions on such motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any
5 objections thereto shall be included in the Joint Pretrial Order.

6 Respectfully submitted this 20th day of November 2017.

7 PAUL PADDA LAW, PLLC

STEVEN W. MYHRE

Acting United States Attorney

8 /s/ Paul Padda

/s/ Lindsay M. Roberts

9 PAUL PADDA, ESQ.
4240 West Flamingo Rd, Suite 220
10 Las Vegas, Nevada 89103
11 *Attorney for Plaintiff*

LINDSY M. ROBERTS
Assistant United States Attorney
Attorneys for the United States

12
13
14
15
16 **IT IS SO ORDERED:**

17 
18 _____

19 **UNITED STATES MAGISTRATE JUDGE**

20 **DATED:** 11/21/2017
21
22
23
24
25
26
27
28